

## CHAPTER X

## SAFEGUARDING PERSONNEL SECURITY INVESTIGATIVE RECORDS

10-100 General

In recognition of the sensitivity of personnel security reports and records, particularly with regard to individual privacy, it is Department of Defense policy that such personal information shall be handled with the highest degree of discretion. Access to such information shall be afforded only for the purpose cited herein and to persons whose official duties require such information. Personnel security investigative reports may be used only for the purposes of determining eligibility of DoD military and civilian personnel, contractor employees, and other persons affiliated with the Department of Defense, for access to classified information, assignment or retention in sensitive duties or other specifically designated duties requiring such investigation, or for law enforcement and counterintelligence investigations. Other uses are subject to the specific written authorization of the Deputy Under Secretary of Defense for Policy.

10-101 Responsibilities

DoD authorities responsible for administering the DoD personnel security program and all DoD personnel authorized access to personnel security reports and records shall ensure that the use of such information is limited to that authorized by this Regulation and that such reports and records are safeguarded as prescribed herein. The heads of DoD Components and the Deputy Under Secretary of Defense for Policy for the Office of the Secretary of Defense shall establish internal controls to ensure adequate safeguarding and limit access to and use of personnel security reports and records as required by paragraph 10-102 and 10-103 below.

10-102 Access Restrictions

Access to personnel security investigative reports and personnel security clearance determination information shall be authorized only in accordance with DoD Directives 5400.7 and 5400.11 (references (aa) and (bb)) and with the following:

a. DoD personnel security investigative reports shall be released outside of the DoD only with the specific approval of the investigative agency having authority over the control and disposition of the reports.

b. Within DoD, access to personnel security investigative reports shall be limited to those designated DoD officials who require access in connection with specifically assigned personnel security duties, or *other* activities specifically identified under the provisions of paragraph 10-100.

c. Access by subjects of personnel security investigative reports shall be afforded in accordance with DoD Directive 5400.11 (reference (bb)).

d. Access to personnel security clearance determination information shall be made available , other than provided for in c. above, through security channels, only to DoD or other officials of the Federal Government who have an official need for such information.

#### 10-103 Safeguarding Procedures

Personnel security investigative reports and personnel security determination information shall be safeguarded as follows:

a. Authorized requesters shall control and maintain accountability of all reports of investigation received.

b. Reproduction, in whole or in part, of personnel security investigative reports by requesters shall be restricted to the minimum number of copies required for the performance of assigned duties.

c. Personnel security investigative reports shall be stored in a vault, safe, or steel file cabinet having at least a lockbar and an approved three-position dial-type combination padlock or in a similarly protected area/container.

d. Reports of DoD personnel security investigations shall be sealed in double envelopes or covers when transmitted by mail or when carried by persons not authorized access to such information. The inner cover shall bear a notation substantially as follows:

TO BE OPENED ONLY BY OFFICIALS DESIGNATED TO  
RECEIVE REPORTS OF PERSONNEL SECURITY INVESTIGATION

e. An individual's status with respect to a personnel security clearance or a Special Access authorization is to be protected as provided for in Paragraph VI.C.6. , DoD Directive 5400.7 (reference (aa)).

#### 10-104 Records Disposition

a. Personnel security investigative reports, to include OPM NACIs may be retained by DoD recipient organizations, only for the period necessary to complete the purpose for which it was originally requested. Such reports are considered to be the property of the investigating organization and are on loan to the recipient organization. All copies of such reports shall be destroyed within 90 days after completion of the required personnel security determination. Destruction shall be accomplished in the same manner as for classified information in accordance with paragraph 9-101, DoD 5200.1-R (reference (q)).

b. DoD record repositories authorized to file personnel security investigative reports shall destroy PSI reports of a favorable or of a minor derogatory nature 15 years after the date of the last action. That is, after the completion date of the investigation or the date on which the record was last released to an authorized user--whichever is later. Personnel security investigative reports resulting in an unfavorable administrative personnel action or court-martial or other investigations of a significant nature due to

information contained in the investigation shall be destroyed 25 years after the date of the last action. Files in this latter category that are determined to be of possible historical value and those of widespread public or congressional interest may be offered to the National Archives after 15 years.

c. Personnel security investigative reports on persons who are considered for affiliation with DoD will be destroyed after 1 year if the affiliation is not completed.

#### 10-105 Foreign Source Information

Information that is classified by a foreign government is exempt from public disclosure under the Freedom of Information and Privacy Acts. Further, information provided by foreign governments requesting an express promise of confidentiality shall be released only in a manner that will not identify or allow unauthorized persons to identify the foreign agency concerned.